

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T WIRELESS PCS, INC.,)
BY AND THROUGH ITS AGENT, WIRELESS PCS,)
INC., FOR THE ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO) CASE NO. 97-016
CONSTRUCT A PERSONAL COMMUNICATIONS)
SERVICES NETWORK FACILITY IN EDGEWOOD,)
KENTUCKY AND CALLED THE ARLINGHAUS)
SITE)

O R D E R

The Commission has received the attached letter from Dennis L. Willaman, General Manager of the Northern Kentucky Water Service District ("Service District"), regarding the proposed personal communications services facility to be located at 798 Dudley Road, Edgewood, Kenton County, Kentucky.

IT IS THEREFORE ORDERED that:

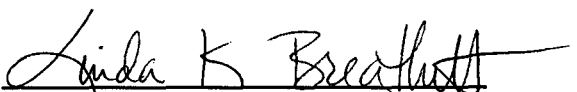
1. AT&T Wireless PCS, Inc. ("AT&T Wireless") shall respond to the Service District's concerns by certified letter, within 10 days from the date of this Order.
2. AT&T Wireless shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

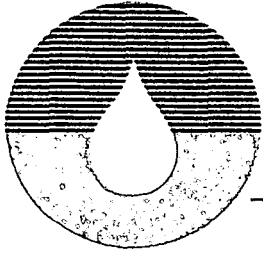
Done at Frankfort, Kentucky, this 12th day of March, 1997.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission



**Northern Kentucky
Water Service District**

February 17, 1997

RECEIVED
FEB 18 1997
PUBLIC SERVICE
COMMISSION

Honorable Donald R. Mills,
Executive Director
Public Service Commission of Kentucky
730 Schenkel Lane - P.O. Box 615
Frankfort, Kentucky 40602

Dear Mr. Mills:

In response to your Public Notice in reference to Case No. 97-016, the Northern Kentucky Water Service District submits the following comment:

The Water District occupies an easement for a 36" diameter water main that will apparently pass through the proposed roadway to the site. Mr. Arlinghaus has been notified about this easement (copy of the letter and easement are enclosed).

I thought you should be made aware of this easement when reviewing this case.

Very truly yours,

Dennis L. Willaman

Dennis L. Willaman, P.E.
General Manager

DLW/rk
Enclosure



**Northern Kentucky
Water Service District**

Willard

February 11, 1997

RECEIVED

FEB 12 1997

DIVISION OF UTILITY
ENGINEERING & SERVICES

RECEIVED

FEB 18 1997

PUBLIC SERVICE
COMMISSION

Mr. Joe Arlinghaus
Arlinghaus Builders
142 Barnwood Drive
Edgewood, Kentucky 41017

**Re: Proposed 285' monopole tower site next to Water District's Dudley Road Pump
Station & Water Storage Tanks**

Dear Mr. Arlinghaus,

Attached is a copy of the easement document for the above referenced site that you requested from Mr. Richard Harrison. Also attached is a drawing showing the approximate location of the 36" water main in relationship to the proposed site. Should you have any questions or need additional information feel free to contact this office.

Sincerely,

John Scheben, Jr.
Engineering Technician II

cc:file

**RECORDED AT
INDEPENDENCE**EASEMENT FOR WATER

PIDN-043-00-00-057.00

In consideration of One (\$1.00) Dollar and other good and valuable considerations to the undersigned paid by KENTON COUNTY WATER DISTRICT NO. 1, the receipt of which is hereby acknowledged, and in consideration of the construction of a water line across our property, the undersigned Grantors, CHESTER ROGERS and MARY ROGERS, his wife.

their heirs and assigns, hereby grant and convey to KENTON COUNTY WATER DISTRICT NO. 1, its successors and assigns forever, a right of way and easement for water purposes, and the right to lay, construct, operate, inspect, maintain, repair, reconstruct and remove a water line and appurtenances thereto, and such manholes or other similar structure as the DISTRICT may deem necessary, along, through, under, across and upon the following described real estate:

GROUP NO. IND.EDGEWOOD

Situate in the City of Fort Wright, County of Kenton, and State of Kentucky,

Being a strip of land 20 feet wide extending 10 feet wide on each side of the centerline of the water main (a permanent easement) and strip of land 50 feet wide extending 25 feet on each side of the centerline of the water main (a temporary construction easement), the centerline of which is described as follows:

PARCEL 1: Beginning at a point in the dividing line between Chester and Mary Rogers and the Kenton County Water District No. 1, said point also being approximately sta 1+00 of the proposed 36" water main, and running thence: Southwestwardly, along the centerline of the proposed 36" water main as it shall be constructed, a distance of 1183 feet to water main sta 12+83; thence Southeastwardly, along the centerline of the proposed 16" water main, a distance of 781 feet, to water main sta 20+64, and the end of the easement.

PARCEL 2: Beginning at a point, said point being approximately water main sta 12+83 of the proposed 36" water main extending across Rogers, Green and Foltz Berling, to the Thomas More Park, and running thence: Southwestwardly, along the centerline of the 36" water main as it shall be constructed, a distance of 250 feet, to water main sta 2+50 (in the dividing line between Rogers and Green), and the end of the easement.

Being part of the same property conveyed to the Grantors in Deed Book 104, page 274, of the Kenton County records at Independence, Kentucky.

The existing roadway easement belonging to the Kenton County Water District No. 1 will be abandoned and all rights relinquished after the proposed development roadway to be constructed by the Rogers, or their successors, is properly constructed giving the Kenton County Water District No. 1 a new approach, including complete and adequate access, to its tank property.

The remaining assessment on the Rogers property of \$4,103.48 will be released.

Together with the right to use such additional land on either side of the above described strip of land as may be required during the time the water line is being constructed, repaired or reconstructed; and the right of ingress and egress in and over existing ways and lanes to the extent suitable and other reasonable routes to and upon and along said strip of land at such times and at such points as may reasonably be necessary for the construction, maintenance, and/or reconstruction of said water line; and the right of the DISTRICT to remove, clear and keep cleared, any and all trees, roots, brush or other obstructions on the above described property within the limits of this right of way and easement, which may endanger the safety of or interfere with the construction, operation, maintenance, repair and/or reconstruction of said water line and its appurtenances.

The Grantor shall have the right to use the surface of the land over said easement for any purpose provided same does not in any way interfere with the DISTRICT'S full and free use of the easement herein granted, and provided further that no building or other structure shall be erected upon, across, over or through said strip of land herein granted, and the Grantor shall not excavate or fill within said right of way and easement or immediately adjacent thereto as to endanger the safety of or interfere with the facilities of the Grantee.

TO HAVE AND TO HOLD said easement and right of way herein granted unto the said KENTON COUNTY WATER DISTRICT NO. 1, its successors and assigns forever.

The Grantor(s) herein hereby release all right, title and interest in and to said easement and right of way, and covenant that the title to said easement and right of way is free, clear and unencumbered, and WARRANTS GENERALLY the said title.

IN WITNESS WHEREOF, the said Grantor(s) have hereunto set their hands this 5 day of September, 1986.

Chester Rogers
CHESTER ROGERS

Mary Rogers
MARY ROGERS

STATE OF KENTUCKY
COUNTY OF KENTON

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing Deed of Easement from CHESTER ROGERS and MARY ROGERS, his wife. to KENTON COUNTY WATER DISTRICT NO. 1 was this day produced to me in said County and State, and then and there acknowledged by said CHESTER ROGERS and MARY ROGERS, his wife to be their free act and deed.

GIVEN under my hand and seal of office this 5 day of September, 1986.

My Commission Expires:

4-3-90

Dennis L. Williams
NOTARY PUBLIC

STATE OF KENTUCKY
COUNTY OF KENTON

I, A. T. WOOD, Clerk of the County Court for the County aforesaid, do hereby certify that this instrument of writing from chester rogers and MARY ROGERS, his wife. to KENTON COUNTY WATER DISTRICT NO. 1 was this day presented to me in my office, certified as above, and this day left for record at 11:34 A M. Whereupon the same, the foregoing certificate, and this certificate, were duly recorded in my office.

Given under my hand this 12th day of September, 1986.

A. T. WOOD CLERK
BY: George A. Bullock D.C.

EASEMENT FOR WATER

to

ON COUNTY WATER DISTRICT NO. 1
2049 Dixie Hwy, Edgemoor Ky 40127

from

CHESTER ROGERS
and
MARY ROGERS

ROUP NO. INDEPENDENCE

left for Record

recorded in Deed Book

page

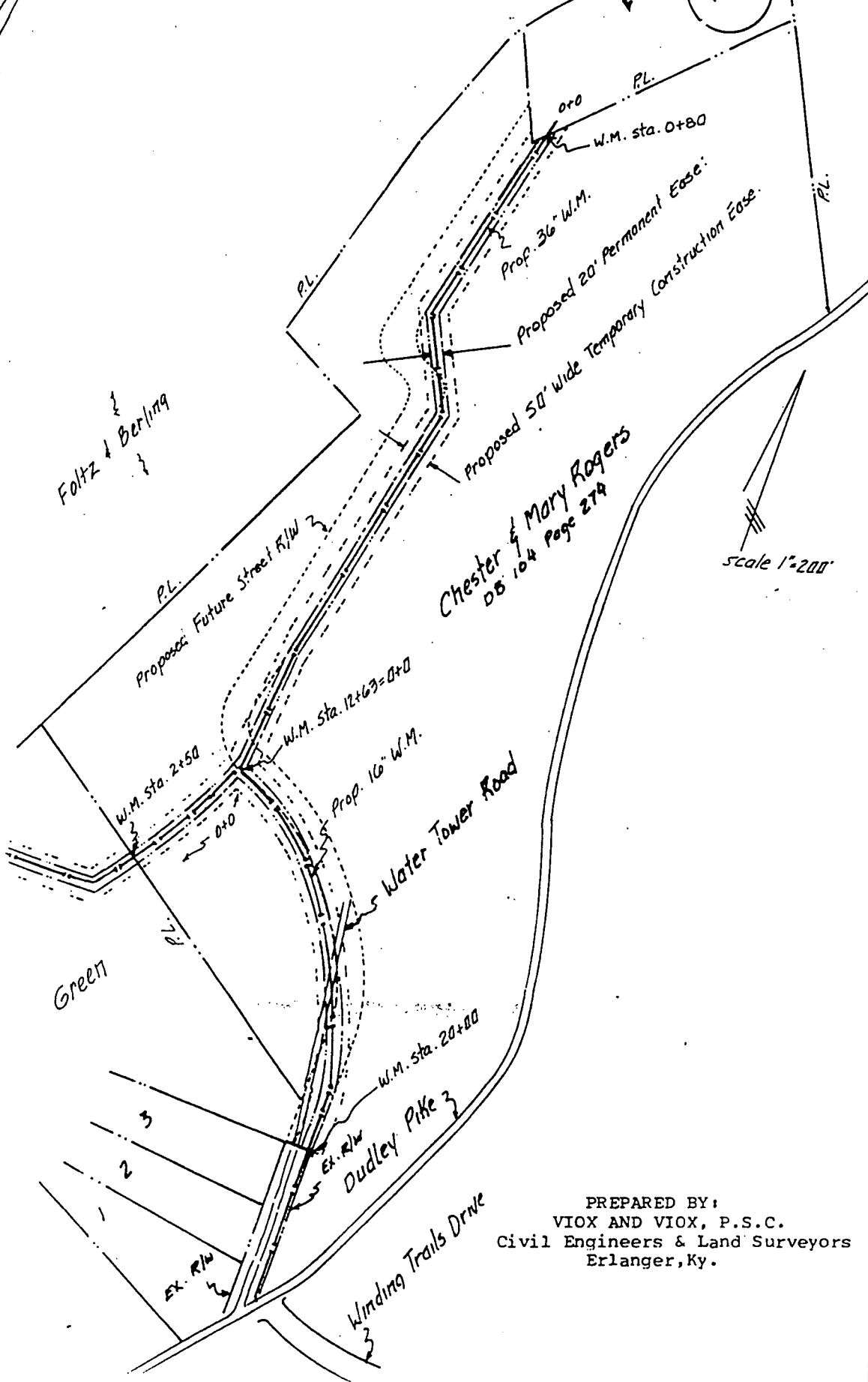
This Instrument Prepared By:

G. Wayne Bridges

G. WAYNE BRIDGES
Attorney at Law
732 Scott Street
Covington, KY 41011

EASEMENT TO BE GRANTED
by
CHESTER AND MARY ROGERS
TO
KENTON COUNTY WATER DISTRICT NO.1

Kenton Co. Water Dist. 86-09-05



Chester & Mary Rogers
DB 104 Page 274

Scale 1"=200'

PREPARED BY:
VIOX AND VIOX, P.S.C.
Civil Engineers & Land Surveyors
Erlanger, Ky.